

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-12708-2022 (O&M)

Date of decision: 27.10.2022

Abhi @ MC

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Simranjeet Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 128 dated 11.03.2020, registered under Sections 323, 307 and 34 of the IPC at Police Station City Fatehabad, District Fatehabad.

The first petition, bearing CRM-M-21973-2020, was dismissed on merits on 05.03.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that both the injured witnesses, i.e. Karan Singh and Sikandar @ Nonu, have been examined and they have not supported the prosecution version with regard to identification of the accused persons and also on the ground that the petitioner is in judicial custody for the last 02 years, 07 months and 08 days.

Brief facts of the case are that the present FIR was got registered at the instance of Kamal @ Karan Singh with the allegations that he is working as labourer and on 10.03.2020, he had gone to the taxi stand,

where he met his friend Sikandar @ Nonu. At that time, Sikandar @ Nonu was under the influence of liquor and thereafter, he along with Sikandar @ Nonu again consumed liquor and on the asking of Sikandar @ Nonu, they went to the house of one Dudaram on a motorcycle, where in a vacant plot, Abhi @ MC, Rajesh Jangra and Mahabir Pandit were consuming liquor. The complainant dropped Sikandar @ Nonu there and went to the house of his maternal aunt and when he came back, he again started consuming liquor with them and thereafter, they had an exchange of heated words with the aforesaid persons and during that argument, petitioner Abhi @ MC took an empty bottle of liquor and hit on the head of Sikandar @ Nonu, due to which, he fell down. In the meantime, when the complainant tried to intervene, Rajesh Jangra gave a brick blow on his face and he also fell down.

Learned counsel for the petitioner has placed on record certified copy of the statements of both the injured witnesses, i.e. Karan Singh, who appeared as PW-1 and Sikandar @ Nonu, who appeared as PW-2, to submit that both of them have stated that accused persons, who are present in Court through video conferencing, are not those persons, who have caused injuries to them. The statements are taken on record as Mark 'X'.

Learned Stated counsel, on the basis of the custody certificate filed today in Court, could not dispute the factual position. It is also not disputed that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody; he is not involved in

any other case and also in view of the fact that both the injured witnesses have not supported the prosecution version, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

27.10.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No